

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

CASE NO. 7:19-CV-407

23.311 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND FRANK
SCHUSTER FARMS INC., ET AL.,

Defendants.

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.
2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.
3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”
4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”
5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ John A Smith, III*
JOHN A. SMITH, III
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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tract: RGV-WSL-4000

Owner: Frank Schuster Farms Inc., et al.

Acres: 23.311

Being a 23.311 acre tract (1,015,441 sq. ft.) of land located in the Agostadero Del Gato Grant, Hidalgo County, Texas; being out of a tract of land described in deed from Frank Schuster and Helen B. Schuster to Frank Schuster Farms, Inc., recorded in Volume 1424, Page 279, Volume 1424, Page 284 and Volume 1424, Page 289 of the Hidalgo County Deed Records (H.C.D.R.), executed October 01, 1974, from J. Franklin Ewers, Jr., Trustee to Frank Schuster Farms, Inc., recorded in Document Number 1979-254 H.C.D.R., executed January 03, 1979 and from Ernestina H. Briones to Frank Schuster Farms, Inc. recorded in Document Number 1994-372158 H.C.D.R., executed February 11, 1994, also being out of Lot 7 of the Tomas Handy Partition, recorded in Volume 16, Page 13 of the Hidalgo County Map Records (H.C.M.R.) and Lots 1 and 2, Block 6, Section III of the Alamo Tract of the Alamo Land and Sugar Company, recorded in Volume 1 Page 24 H.C.M.R. (Hidalgo County Appraisal District Property ID Nos. 111267, 111268, 111213, 111215, 302280, 302281, 539495, 302283, 121421, 307727, 30726, 307729, 111249, 111248 and 277338); said 23.311 acre tract being more particularly described by metes and bounds as follows:

Commencing at a found IBC disk in concrete for an angle point on the north line of a tract of land described in deed to United States of America, recorded in Volume 518, Page 427 H.C.D.R., executed September 01, 1943 and Document Number 1978-24335

H.C.D.R., executed July 20, 1978, an angle point on the westerly south line of said Frank Schuster Farms, Inc. tract, and an angle point on the south line of a called 5.38 acre Levee Easement described in deed to the United State of America recorded in Volume, 424, Page 356 H.C.D.R., executed January 18, 1937, having coordinates of N=16,553,496.92, E=1,106,993.49;

Thence: South 78°49'12" East, along the north line of said United States of America tract, the westerly south line of said Frank Schuster Farms, Inc. tract and the south line of said Levee Easement, a distance of 577.53 feet to a 5/8-inch iron rod with aluminum cap stamped "RGV-WSL-4000-1", set, for the **Point of Beginning** and being on the west line of the herein described tract and the east line of Lot 14, Block 9 of said Section III, for the northeast corner of said United States of America tract, an interior corner of said Frank Schuster Farms, Inc. tract, the southwest corner of a called 4.58 acre Levee Easement described in deed to the United State of America recorded in Volume, 431, Page 468 H.C.D.R., executed August 16, 1937 and the southeast corner of said 5.38 acre Levee Easement, having coordinates of N=16,553,384.94, E=1,107,560.07, from which a found 5/8-inch iron rod with 3-inch aluminum cap stamped "US FISH AND WILDLIFE" bears South 00°07' West, 29.8 feet;

Thence: North 09°23'10" East, along the east line of said Lot 14, the east line of said 5.38 acre Levee Easement, and the west line of said 4.58 acre Levee Easement, a distance of 191.06 feet to a 5/8-inch iron rod with aluminum cap stamped "RGV-WSL-4000-2", set, for the northwest corner of herein described tract;

Thence: South $84^{\circ}52'17''$ East, departing the east line of said Lot 14, a distance of 15.42 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-3”, set, for an angle point on the north line of herein described tract;

Thence: South $10^{\circ}23'43''$ East, a distance of 40.34 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-4”, set, for an angle point on the north line of herein described tract;

Thence: South $66^{\circ}50'28''$ East, a distance of 18.92 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-5”, set, for the beginning of a non-tangent curve to the right, whose center bears South $08^{\circ}52'14''$ West, 2,118.88 feet;

Thence: in a southeasterly direction, along said non-tangent curve to the right, having a radius of 2,118.88 feet, an arc length of 302.39 feet, a central angle of $08^{\circ}10'36''$ and a chord which bears South $77^{\circ}02'28''$ East, 302.13 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-6”, set, for the end of said curve;

Thence: South $70^{\circ}16'07''$ East, a distance of 593.26 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-7”, set, for an angle point on the north line of herein described tract;

Thence: South $68^{\circ}14'53''$ East, a distance of 353.15 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-8”, set, for an angle point on the north line of herein described tract;

Thence: North $88^{\circ}23'26''$ East, a distance of 11.58 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-9”, set, for an angle point on the north line of herein described tract;

Thence: North $39^{\circ}58'06''$ East, a distance of 22.34 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-10”, set, for an angle point on the north line of herein described tract, being on the south line of the remainder of a tract of land described in deed to Ernestina H. Briones, recorded in Volume 1621, Page 687 H.C.D.R., executed April 26, 1979, more fully described as save and except tract in Document Number 1994-372158 H.C.D.R., being on a north line of said Frank Schuster Farms, Inc. tract;

Thence: South $69^{\circ}45'16''$ East, a distance of 33.42 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-11”, set, for an angle point on the north line of herein described tract;

Thence: South $02^{\circ}50'48''$ West, a distance of 15.92 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-12”, set, for an angle point on the north line of herein described tract;

Thence: South $49^{\circ}09'09''$ East, a distance of 31.61 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-13”, set, for an angle point on the north line of herein described tract;

Thence: South $70^{\circ}30'34''$ East, a distance of 55.36 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-14”, set, for an angle point on the north line of herein described tract;

Thence: South $75^{\circ}45'54''$ East, a distance of 267.26 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-15”, set, for an angle point on the north line of herein described tract;

Thence: South $70^{\circ}03'33''$ East, a distance of 63.61 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-16”, set, for an angle point on the north line of herein described tract;

Thence: North $44^{\circ}54'05''$ East, a distance of 17.27 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-17”, set, for an angle point on the north line of herein described tract;

Thence: South $79^{\circ}53'34''$ East, a distance of 27.74 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-18”, set, for an angle point on the north line of herein described tract;

Thence: South $26^{\circ}49'17''$ East, a distance of 17.13 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-19”, set, for an angle point on the north line of herein described tract;

Thence: South $74^{\circ}48'39''$ East, a distance of 806.70 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-20”, set, for an angle point on the north line of herein described tract;

Thence: South $53^{\circ}27'22''$ East, a distance of 68.56 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-21”, set, for an angle point on the north line of herein described tract;

Thence: South $36^{\circ}33'35''$ East, a distance of 830.89 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-22”, set, for the beginning of a non-tangent curve to the left, whose center bears North $53^{\circ}26'25''$ East, 110.00 feet;

Thence: in a southeasterly direction, along said non-tangent curve to the left, having a radius of 110.00 feet, an arc length of 164.85 feet, a central angle of $85^{\circ}51'56''$ and a chord which bears South $79^{\circ}29'33''$ East, 149.85 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-23”, set, for the end of said curve;

Thence: South $73^{\circ}24'39''$ East, a distance of 31.60 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-24”, set, for an angle point on the north line of herein described tract;

Thence: South $17^{\circ}30'19''$ West, a distance of 20.92 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-25”, set, for an angle point on the north line of herein described tract;

Thence: South $88^{\circ}44'28''$ East, a distance of 43.96 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-26”, set, for the beginning of a tangent curve to the left;

Thence: in a northeasterly direction, along said tangent curve to the left, having a radius of 180.00 feet, an arc length of 131.91 feet, a central angle of $41^{\circ}59'20''$ and a chord which bears North $70^{\circ}15'52''$ East, 128.98 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-27”, set, for the end of said curve;

Thence: North $49^{\circ}16'13''$ East, a distance of 256.03 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-28”, set, for the beginning of a non-tangent curve to the left, whose center bears North $47^{\circ}43'00''$ West, 167.78 feet;

Thence: in a northeasterly direction, along said non-tangent curve to the left, having a radius of 167.78 feet, an arc length of 110.66 feet, a central angle of $37^{\circ}47'29''$ and a chord which bears North $23^{\circ}23'15''$ East, 108.67 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-29”, set, for the end of said curve;

Thence: South $79^{\circ}28'25''$ East, a distance of 25.47 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-30”, set, for an angle point on the north line of herein described tract;

Thence: South $32^{\circ}58'28''$ East, a distance of 17.21 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-31=4002-9”, set, for the northeast corner of the herein described tract, being on the west line of a tract of land described in deed to

Fortco Properties, Ltd., recorded in Document Number 2018-2895970 of the Hidalgo County Official Records (H.C.O.R.), Executed March 08, 2018, the east line of said Frank Schuster Farms, Inc. tract and the east line of said Lot 2;

Thence: South $08^{\circ}39'31''$ West, along the west line of said Fortco Properties, Ltd. Tract, the east line of said Frank Schuster Farms, Inc. tract and the east line of said Lot 2, a distance of 386.22 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-32=4002-8”, set, for the southeast corner of the herein described tract;

Thence: South $46^{\circ}29'34''$ West, departing the west line of said Fortco Properties, Ltd. Tract, the east line of said Frank Schuster Farms, Inc. tract and the east line of said Lot 2, a distance of 216.14 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-33”, set, for an angle point on the south line of herein described tract;

Thence: North $88^{\circ}00'59''$ West, a distance of 476.20 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-34”, set, for an angle point on the south line of herein described tract;

Thence: North $36^{\circ}48'10''$ West, a distance of 966.77 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-35”, set, for an angle point on the south line of herein described tract;

Thence: North $74^{\circ}31'09''$ West, a distance of 1,260.65 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-36”, set, for an angle point on the south line of herein described tract;

Thence: North $70^{\circ}15'30''$ West, a distance of 1,055.01 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-37”, set, for an angle point on the south line of herein described tract;

Thence: North $78^{\circ}35'13''$ West, a distance of 229.18 feet to a 5/8-inch iron rod with aluminum cap stamped “RGV-WSL-4000-38”, set, for the southwest corner of herein described tract, being on the east line of said United States of America tract, the east line of Lot 3, Block 5 of said Section III and the southerly west line of said Frank Schuster Farms, Inc. tract;

Thence: North $09^{\circ}23'10''$ East, along the east line of said United States of America tract, the east line of said Lot 3 and the southerly west line of said Frank Schuster Farms, Inc. tract, a distance of 92.09 feet to the **Point of Beginning** and containing 23.311 acre or 1,015,441 square feet of land.

SCHEDULE D

SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED****NOTES:**

1. BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NAD83 (2011), SOUTH ZONE (4205) AND BASED ON CONTROL POINT NUMBER 112, HAVING COORDINATES OF N=16,554,097.208 & E=1,106,071.686, CONTROL POINT NUMBER 113, HAVING COORDINATES OF N=16,551,420.147 & E=1,113,893.195 AND CONTROL POINT NUMBER 114, HAVING COORDINATES OF N=16,551,984.317, E=1,119,470.921 AS ESTABLISHED BY B&F ENGINEERING, INC. ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID VALUES BY MULTIPLYING BY THE PROJECT SCALE FACTOR (PSF) OF 1.000000000 (SURFACE X PSF = GRID).

2. THE UNIT OF MEASURE IS THE U.S. SURVEY FOOT.

3. THIS PLAT IS ACCOMPANIED BY SEPARATE METES AND BOUNDS DESCRIPTION.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

5. RESEARCH WAS PERFORMED OCTOBER TO DECEMBER 2018.

6. FIELD SURVEYS WERE PERFORMED OCTOBER 2018 TO FEBRUARY, 2019.

7. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON DECEMBER 03, 2018 (LONE STAR 811 TICKET NO. 583247704, TEXAS811 LOCATE REQUEST TICKET NO. 1883717293).

8. CORNERS NOT SET AT TIME OF SURVEY, TO BE SET UPON POSSESSION OF PROPERTY BY THE GOVERNMENT.

9. EXISTING ACRAGE CALCULATED SOUTH OF U.S. 281 ONLY.

COORDINATE TABLE		
POINT	NORTHING	EASTING
RGV-WSL-4000-1	16,553,384.94	1,107,560.07
RGV-WSL-4000-2	16,553,573.44	1,107,591.23
RGV-WSL-4000-3	16,553,572.07	1,107,606.59
RGV-WSL-4000-4	16,553,532.39	1,107,613.86
RGV-WSL-4000-5	16,553,524.95	1,107,631.26
RGV-WSL-4000-6	16,553,457.20	1,107,925.70
RGV-WSL-4000-7	16,553,256.91	1,108,484.13
RGV-WSL-4000-8	16,553,126.03	1,108,812.13
RGV-WSL-4000-9	16,553,126.36	1,108,823.71
RGV-WSL-4000-10	16,553,143.48	1,108,838.06
RGV-WSL-4000-11	16,553,131.91	1,108,869.42
RGV-WSL-4000-12	16,553,116.01	1,108,868.62
RGV-WSL-4000-13	16,553,095.33	1,108,892.54
RGV-WSL-4000-14	16,553,076.86	1,108,944.72
RGV-WSL-4000-15	16,553,011.14	1,109,203.78

SEE SHEET 10
FOR MORE TABLE

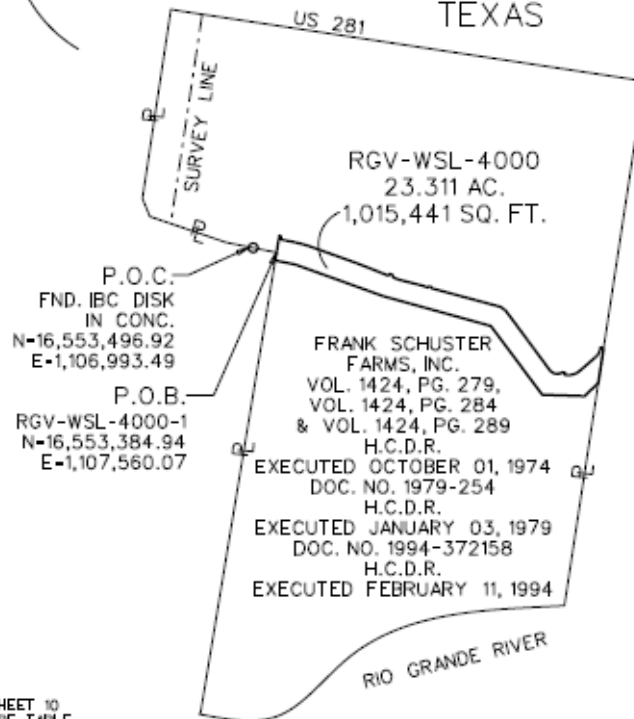
AREA TABLE (ACRES)			
EXISTING AC.	TAKING AC./S.F.	EXISTING USA EASEMENT	REMAINING
688.12 (SEE NOTE 9)	23.311 1,015,441	14.25 AC.	664.809



SCALE:
NOT TO SCALE

SANTA ANA GRANT
HIDALGO COUNTY
TEXAS

AGOSTADERO DEL
GATO GRANT
HIDALGO COUNTY
TEXAS



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
SURVEY DATE, FEBRUARY, 2019.

Adam N. Diehl

ADAM N. DIEHL
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6346



LANDTECH
engineering • surveying

2525 North Loop West, Suite 300, Houston, Texas 77008
T: 713-861-7068, F: 713-861-4131
TBPE Registration No. F-1364; TBPLS Registration No. 10019100

LEGEND

- - SET 5/8" IR W/ALUMINUM CAP STAMPED (AS NOTED)
- - FOUND PROPERTY CORNER (AS NOTED)
- H.C.D.R. - HIDALGO COUNTY DEED RECORDS
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- P.O.C. - POINT OF COMMENCING
- P.O.B. - POINT OF BEGINNING
- P— - PROPERTY LINE
- - PROPOSED ACQUISITION
- - EASEMENT

FRANK SCHUSTER FARMS, INC.

TRACT NO. RGV-WSL-4000

HIDALGO COUNTY

TEXAS

Mark	Description	Date	Appr.

BY	DATE
Drawn	MP 02/19
Checked	AND 02/19
Surveyor	AND 02/19
Field Bk. #	19RGVH-T1-6.3
TEAMS USED: SURVEYING FIRM B&F ENGINEERING, INC. NO. 1003942	



CURVE DATA				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	2,118.88'	302.39'	8°10'36"	S 77°02'28" E 302.13'

0 50 100 200

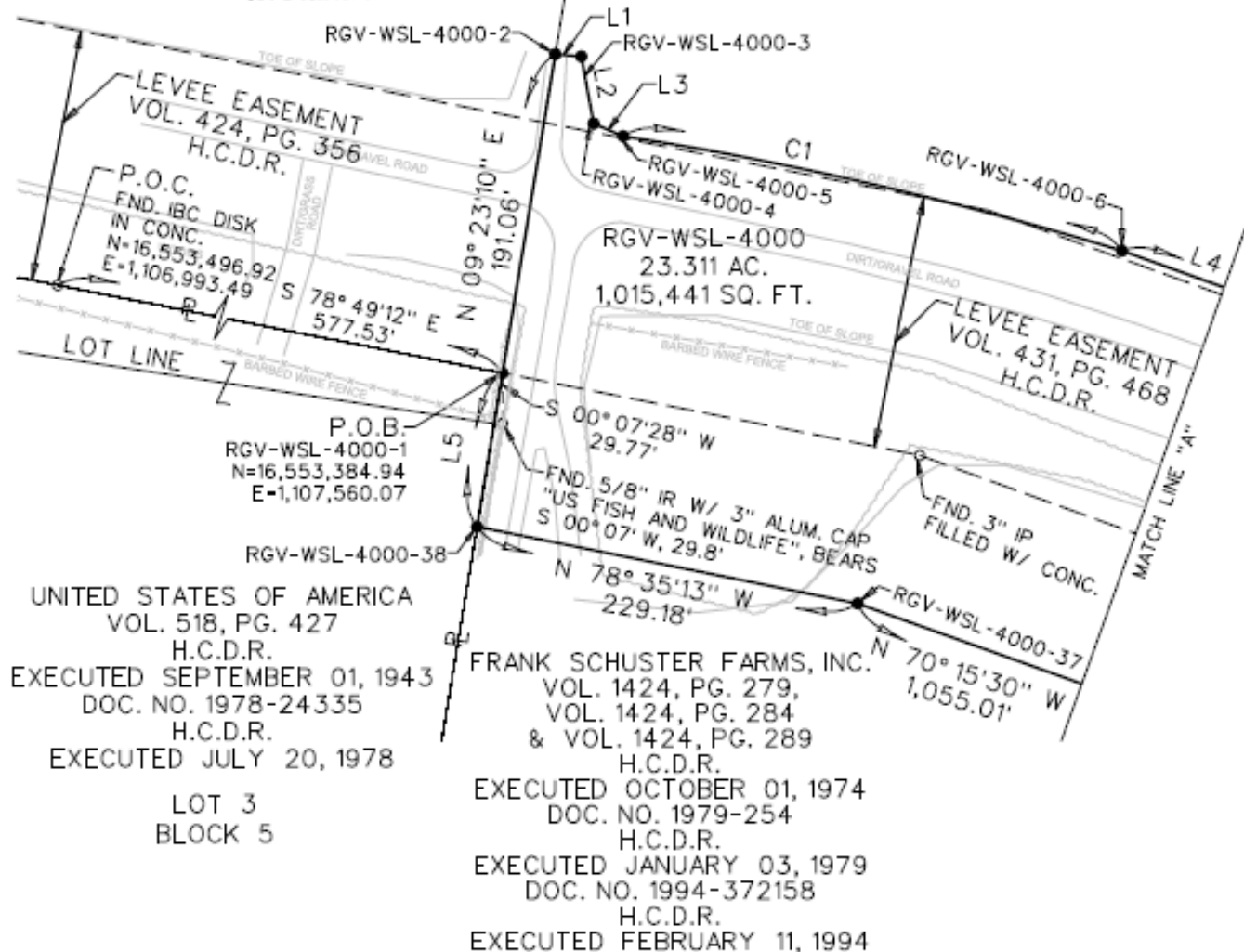
SCALE: 1"=100'



LOT 14
BLOCK 9

SECTION III
ALAMO TRACT OF
THE ALAMO LAND AND
SUGAR COMPANY
VOL. 1, PG. 24
H.C.M.R.

AGOSTADERO DEL GATO GRANT
HIDALGO COUNTY, TEXAS



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FRANK SCHUSTER FARMS, INC.

TRACT NO. RGV-WSL-4000

HIDALGO COUNTY

TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 84°52'17" E	15.42'
L2	S 10°23'43" E	40.34'
L3	S 66°50'28" E	18.92'
L4	S 70°16'07" E	593.26'
L5	N 09°23'10" E	92.09'

Drawing Ref. No.
SHEET 9 OF 15

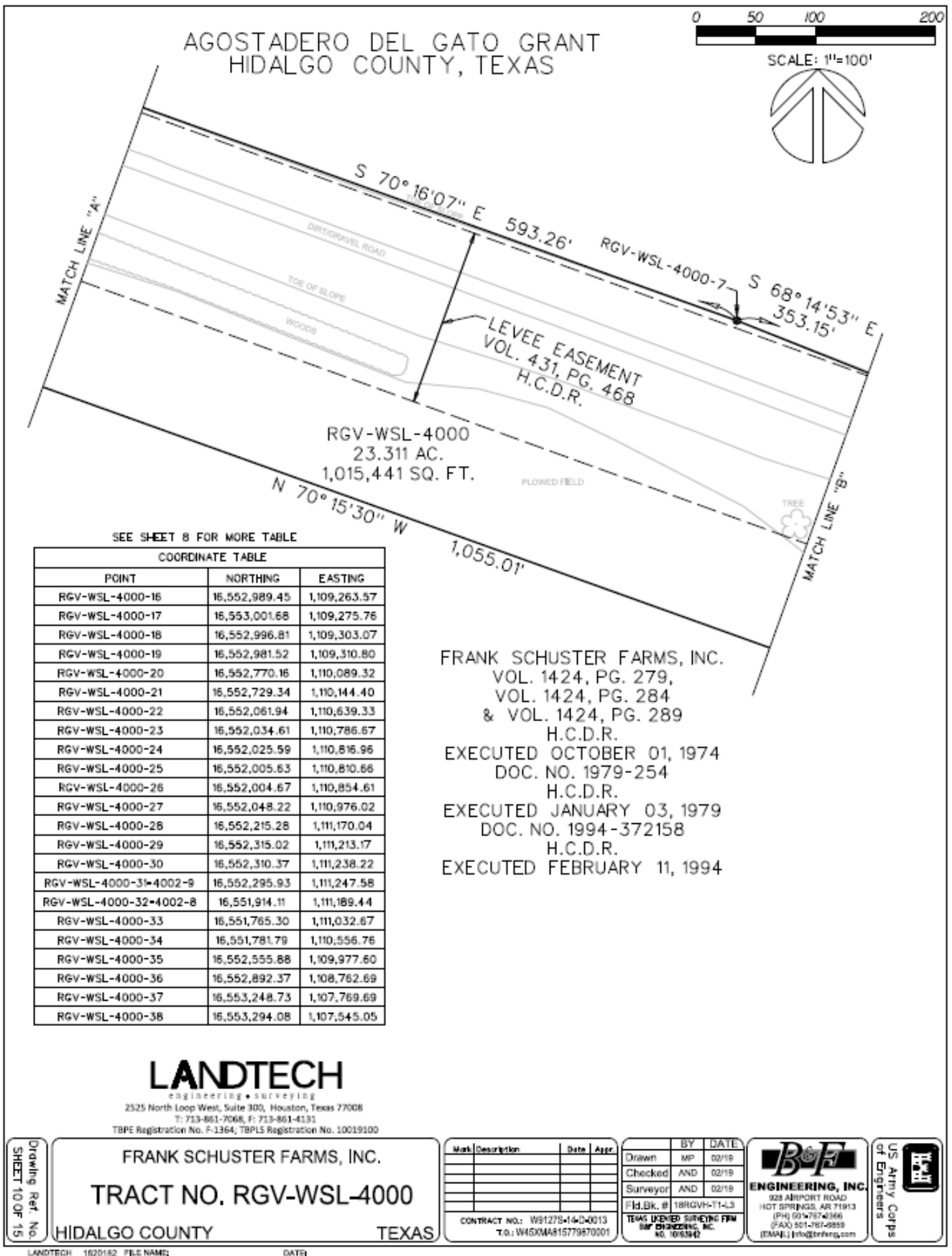
Mark	Description	Date	Appr.

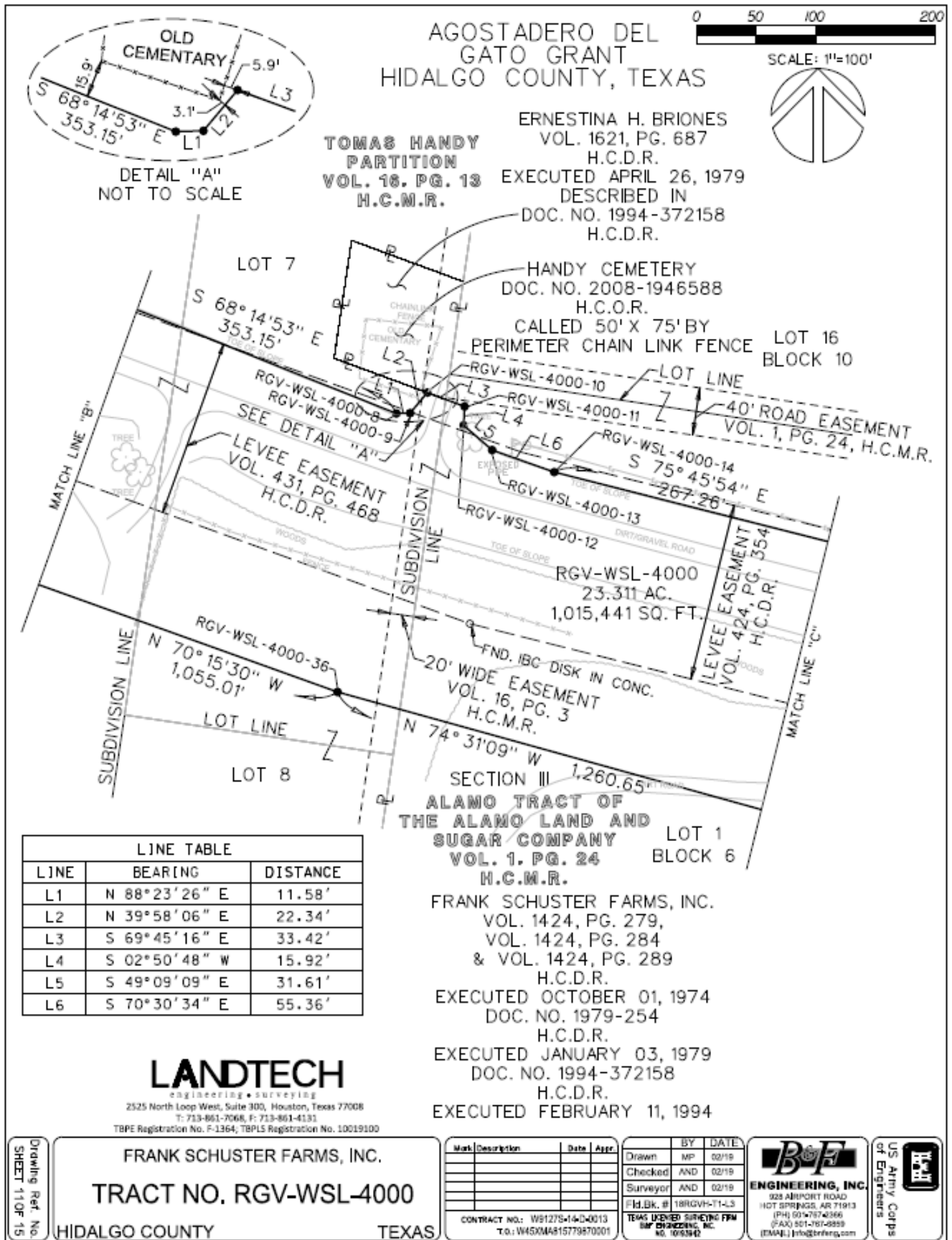
CONTRACT NO.: W91278-14-D-0013
T.O.: W45XMA815779870201

BY	DATE
Drawn	MP 02/19
Checked	AND 02/19
Surveyor	AND 02/19
File Bk. #	18RGVH-T1-L3
TEXAS LICENSED SURVEYING FIRM	
BR ENGINEERING, INC.	
NO. 1016342	

BR ENGINEERING, INC.
928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-757-4366
(FAX) 501-757-8859
(EMAIL) info@brengineering.com

US Army Corps
of Engineers
BR





AGOSTADERO DEL GATO GRANT HIDALGO COUNTY, TEXAS

0 50 100 200

SCALE: 1"=100'



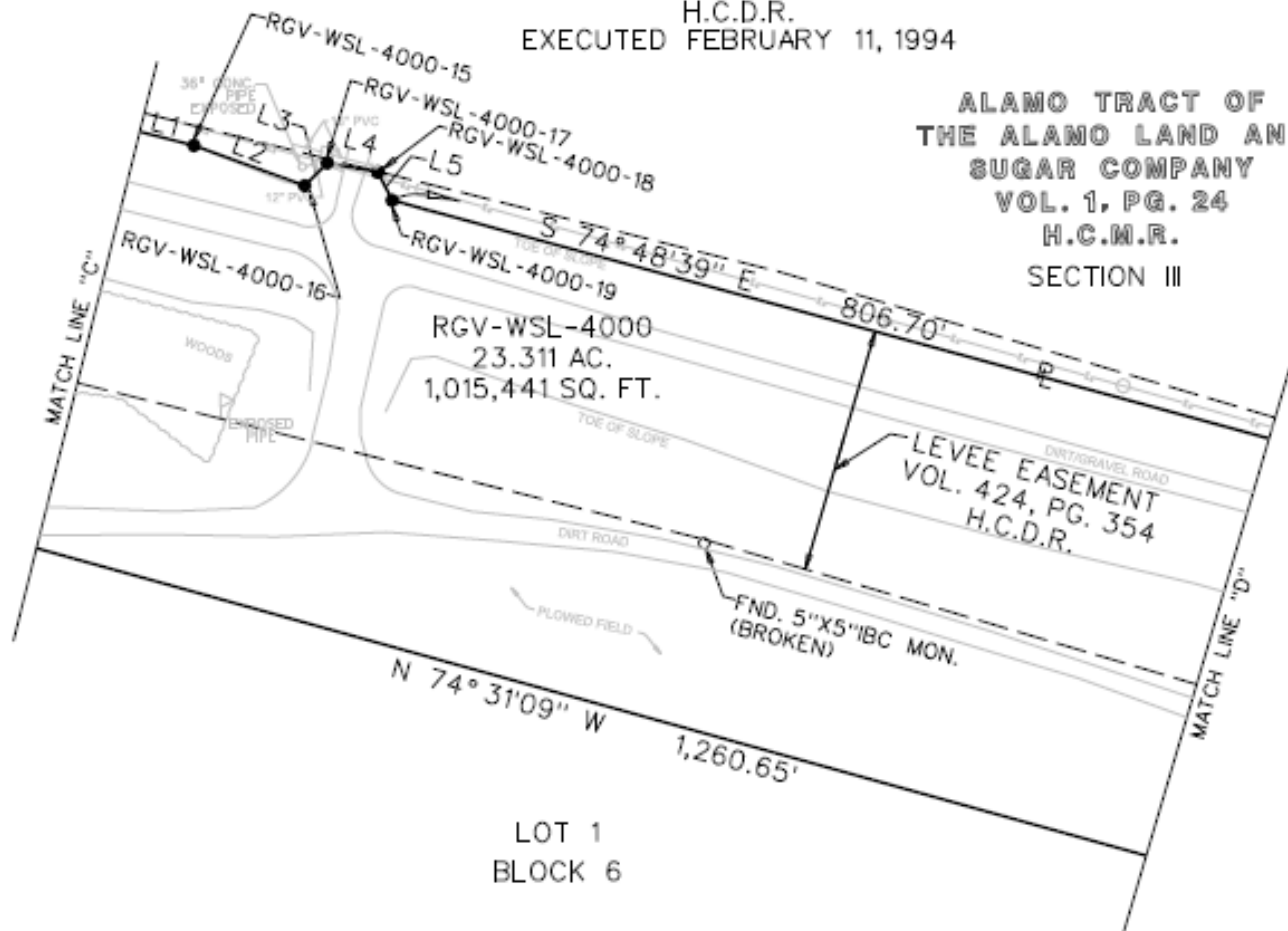
FRANK SCHUSTER FARMS, INC.
VOL. 1424, PG. 279,
VOL. 1424, PG. 284
& VOL. 1424, PG. 289
H.C.D.R.

EXECUTED OCTOBER 01, 1974
DOC. NO. 1979-254
H.C.D.R.

EXECUTED JANUARY 03, 1979
DOC. NO. 1994-372158
H.C.D.R.

EXECUTED FEBRUARY 11, 1994

ALAMO TRACT OF
THE ALAMO LAND AND
SUGAR COMPANY
VOL. 1, PG. 24
H.C.M.R.
SECTION III



LOT 1
BLOCK 6

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 75° 45' 54" E	267.26'
L2	S 70° 03' 33" E	63.61'
L3	N 44° 54' 05" E	17.27'
L4	S 79° 53' 34" E	27.74'
L5	S 26° 49' 17" E	17.13'

LANDTECH

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FRANK SCHUSTER FARMS, INC.

TRACT NO. RGV-WSL-4000

HIDALGO COUNTY

TEXAS

Mark	Description	Date	Appr.

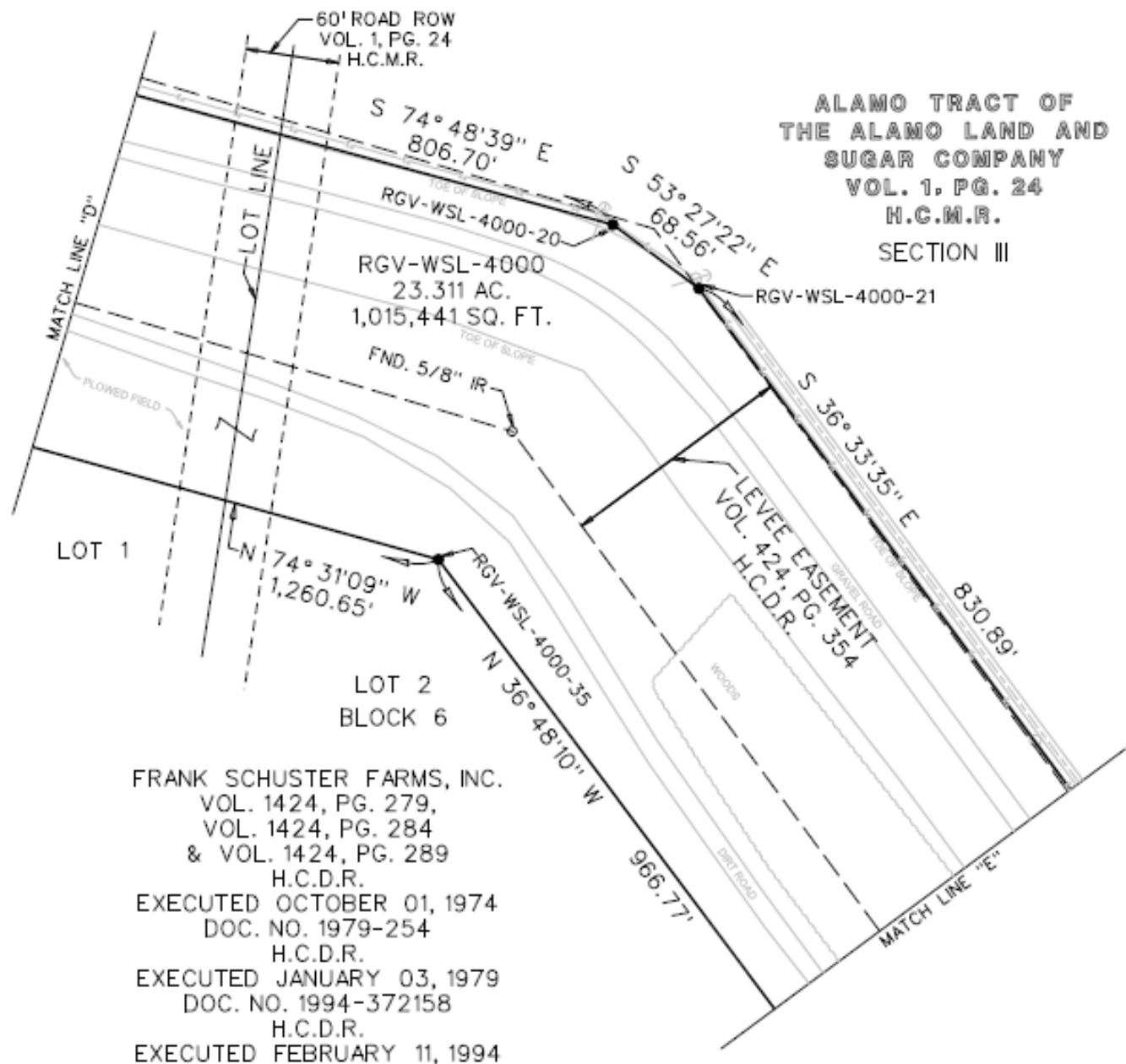
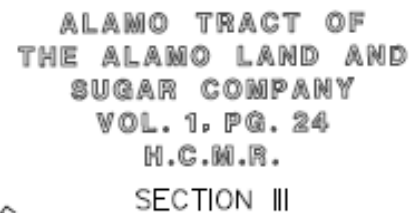
CONTRACT NO.: W81278-14-D-0013
T.O.: W450M4815779870001

BY	DATE
Drawn	MP 02/19
Checked	AND 02/19
Surveyor	AND 02/19
Pld.Bk. #	18RGVH-T1-L3
TEXAS LICENSED SURVEYING FIRM	
B&F ENGINEERING, INC.	
NO. 1063842	

B&F ENGINEERING, INC.
928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-757-4366
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Drawing Ref. No.
SHEET 12 OF 15



FRANK SCHUSTER FARMS, INC.
VOL. 1424, PG. 279,
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& VOL. 1424, PG. 289
H.C.D.R.
EXECUTED OCTOBER 01, 1974
DOC. NO. 1979-254
H.C.D.R.
EXECUTED JANUARY 03, 1979
DOC. NO. 1994-372158
H.C.D.R.
EXECUTED FEBRUARY 11, 1994

LANDTECH
engineering • surveying

FRANK SCHUSTER FARMS, INC.
TRACT NO. RGV-WSL-4000
HIDALGO COUNTY TEXAS

Work	Description	Date	Appr.

CONTRACT NO.: W8127S-14-D-0013
T.O.: W45XMA815779870001

	BY	DATE
Drawn	MP	02/19
Checked	AND	02/19
Surveyor	AND	02/19
Fld.Bk. #	18RGVH-T1-L3	
TEXAS LICENSED SURVEYING FIRM S&P ENGINEERING, INC. NO. 10153442		

B&F
ENGINEERING, INC.
928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-767-2366
(FAX) 501-767-8899
(EMAIL) Info@bnefrp.com



CURVE DATA				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	110.00'	164.85'	85°51'56"	S 79°29'33" E 149.85'

0 50 100 200

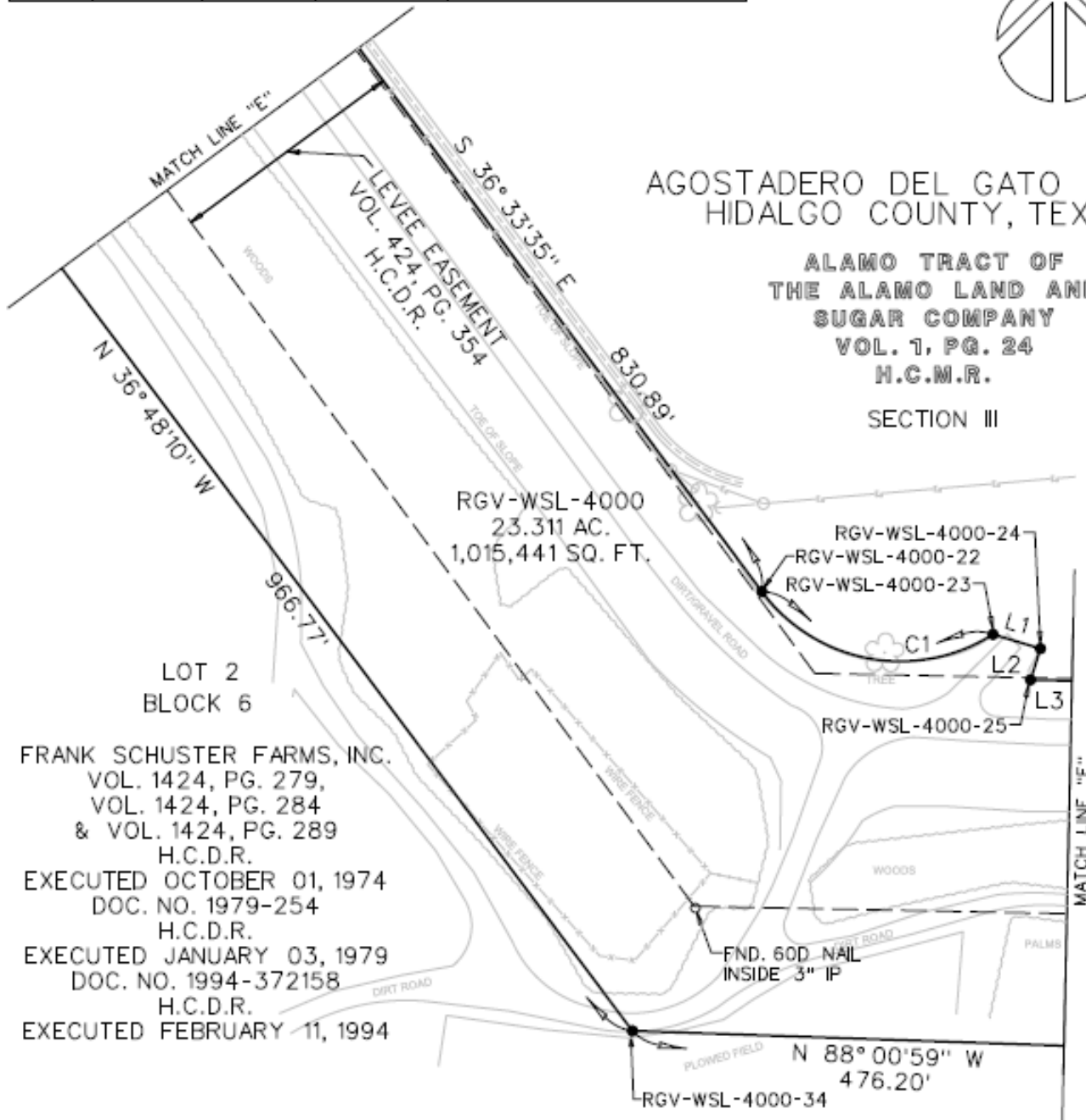
SCALE: 1"=100'



AGOSTADERO DEL GATO GRANT HIDALGO COUNTY, TEXAS

ALAMO TRACT OF
THE ALAMO LAND AND
SUGAR COMPANY
VOL. 1, PG. 24
H.C.M.R.

SECTION III



FRANK SCHUSTER FARMS, INC.
VOL. 1424, PG. 279,
VOL. 1424, PG. 284
& VOL. 1424, PG. 289
H.C.D.R.
EXECUTED OCTOBER 01, 1974
DOC. NO. 1979-254
H.C.D.R.
EXECUTED JANUARY 03, 1979
DOC. NO. 1994-372158
H.C.D.R.
EXECUTED FEBRUARY 11, 1994

LANDTECH

engineering • surveying
2525 North Loop West, Suite 300, Houston, Texas 77008
T: 713-861-7066, F: 713-861-4131
TBPE Registration No. F-1364, TBPLS Registration No. 10019100

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 73°24'39" E	31.60'
L2	S 17°30'19" W	20.92'
L3	S 88°44'28" E	43.96'

FRANK SCHUSTER FARMS, INC.
TRACT NO. RGV-WSL-4000
HIDALGO COUNTY TEXAS

Mark/Description	Date	Appr.
CONTRACT NO.: W91275-14-D-0013 T.O.: W45XMA815779870001		

BY	DATE
Drawn	MP 02/19
Checked	AND 02/19
Surveyor	AND 02/19
File Bk. #	18RGVH-T1-L3
TEXAS LICENSED SURVEYING FIRM B&F ENGINEERING, INC. NO. 1665942	

B&F ENGINEERING, INC.
925 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-757-4366
(FAX) 501-757-9859
(EMAIL) info@brefeng.com

US Army Corps
of Engineers

Drawing Ref. No.
SHEET 14 OF 15

SCALE: 1"=100'

—LEVEE EASEMENT
VOL. 443, PG. 248
H.C.D.R.

FORTCO PROPERTIES, LTD.
DOC. NO. 2018-2895970
H.C.O.R.
EXECUTED MARCH 08, 2018

FND. 5/8" IR

-LEVEE EASEMENT
VOL. 424, PG. 354
H.C.D.R.

FND. 5/8" IR

RGV-WSL-4000-33

N 88° 00' 59" W
476.20'

-RGV-WSL-4000-32-4002-8

CURVE DATA

LANDTECH

TBPE Registration No. F-1364; TBPLS Registration No. 10019100

TRACT NO. RGV-WSL-4000

TEXAS

	BY	DATE
Drawn	MP	02/19
Checked	AND	02/19
Surveyor	AND	02/19
Fld.Bk. #	18RGVH-T1-L3	
TEXAS LICENSED SURVEYING FIRM S&P ENGINEERING, INC. NO. 1053342		

B&F
ENGINEERING, INC.
928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-767-2366
(FAX) 501-767-8959
(EMAIL) info@bnefeng.com



US Army Corps
of Engineers

Drawing Ref. No
SHEET 15 OF 15

SCHEDULE E

SCHEDULE E
ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-WSL-4000

Owner: Frank Schuster Farms Inc., *et al.*

Acres: 23.311

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

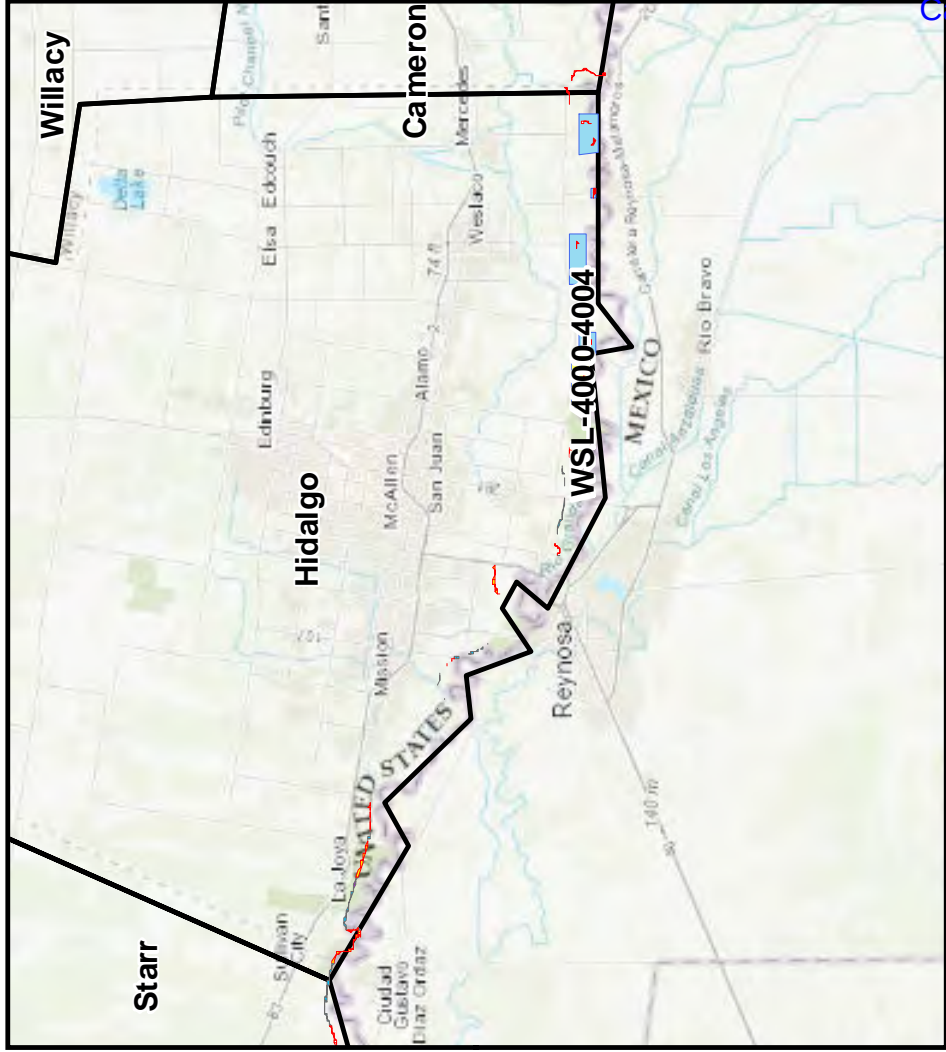
Reserving to the owners of the lands identified in Document No. 1974-24075 (Volume 1424, Page 279), Document No. 1974-24077 (Volume 1424, Page 284), Document No. 1974-24078 (Volume 1424, Page 289), Document No. 1979-254 and Document Number 1994-372158 of the Hidalgo County Deed Records (H.C.D.R.); Lot 7 of the Tomas Handy Partition recorded at Volume 16, Page 13 and Lots 1 and 2, Block 6, Section III of the Alamo Tract of the Alamo Land and Sugar Company, recorded at Volume 1, Page 24 of the Hidalgo County Map Records (H.C.M.R.); and, in Hidalgo County Appraisal District Property ID Nos. 111267, 111268, 111213, 111215, 302280, 302281, 539495, 302283, 121421, 307727, 30726, 307729, 111249, 111248 and 277338, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

Border Infrastructure
Project

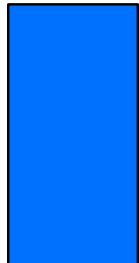
RGV-02

WSL-4000-4004



Hidalgo County,
Texas

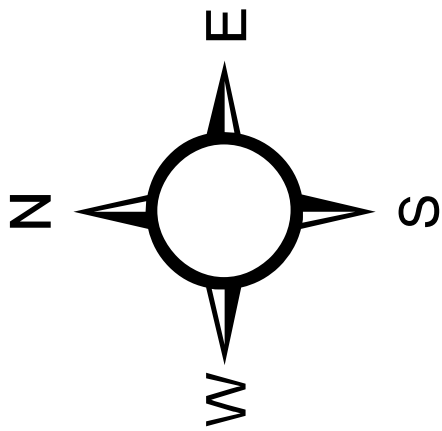
Legend



Tracts



ParentTracts



1 inch = 559 feet

Warning: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). All information contained herein is unclassified but may be controlled as FOUO information and its release to the public without the approval of DHS personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

December 5, 2019

SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is THREE HUNDRED TEN THOUSAND, EIGHT HUNDRED SEVENTY-THREE DOLLARS AND NO/100 (\$310,873.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Frank Schuster Farms Inc., et al. c/o Frank J. Schuster , Registered Agent 1011 U.S. Highway 281 Alamo, TX 78516	Warranty Deed, Document #: 1974-24075, 1974-24077, 1974-24078, recorded October 29, 1974 and Warranty Deed, Document #: 1994-372158, recorded March 1, 1994, Deed Records of Hidalgo County Amendment to Certificate of Adjudication (irrigation), recorded February 11, 1998, Hidalgo County Records, Document 654389 Amendment to Certificate of Adjudication, recorded June 8, 1999 in Hidalgo County, Document 780849
Hidalgo County Pablo (Paul) Villarreal Jr. Tax Assessor-Collector 2804 S. Business Highway 281 Edinburg, TX 78539	
El Sabino Family Farms, LLC	Certificate of Inspection and Possession dated August 6, 2019

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE